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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/628,884	07/28/2003	Marc J. Shlaes	23688.04164	3865
24024	7590	03/25/2008		
CALFEE HALTER & GRISWOLD, LLP 800 SUPERIOR AVENUE SUITE 1400 CLEVELAND, OH 44114			EXAMINER EHICHOYA, FRED I	
		ART UNIT 2162	PAPER NUMBER	
		MAIL DATE 03/25/2008	DELIVERY MODE PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)
	10/628,884	SHLAES ET AL.
	Examiner	Art Unit
	FRED I. EHICHOYA	2162

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 19 October 2007.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1, 3 - 6, and 24 - 70 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) 49 - 70 is/are allowed.
- 6) Claim(s) 1, 3 - 6 and 24 - 48 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 28 July 2003 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ . |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>10/19/2007</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| | 6) <input type="checkbox"/> Other: _____. |

DETAILED ACTION

1. Claims 1, 3 – 6, and 24 – 70 are pending in this Office Action.

Information Disclosure Statement

2. The information disclosure statement (IDS) submitted on October 19, 2007 was filed after the mailing date of the notice of allowance on August 13, 2007. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Remarks

3. After further review of the instant application, claims 1, 3 – 6 and 24 - 48 are rejected under 35 USC § 101; However, claims 1, 3 – 6, 24 – 70 are indicated as allowable subject matter pending overcoming the deficiency of rejections under 35 USC § 101.

Drawings

4. The drawings are objected to under 37 CFR 1.83(a) because they fail to show “computer systems” as described in the specification. Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures

appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 101

5. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1, 3 – 6 and 24 - 48 are rejected under 35 U.S.C. 101 because:

(I) Claim 1 is directed to a system. In reference to page 2, [0007] of the specification, applicant discloses a system to include at least a data source having logical structure differing from at least one other; and page 3, [0008] of the specification

states that the system includes a UniDimNet and a plurality of UniViews. Though applicant claimed computer systems and data storage space, these are abstract and logical; one of ordinary skills in the art at the time of present invention will not consider applicant's claimed system to be a physical device that constitutes a machine within the meaning of 101. It appears to be software per se; and therefore non-statutory (MPEP 2106.01 [R-5] (I)).

Regarding claims 3 -6, these claims depend from claim 1, recite computing steps, are merely descriptive and lack the necessary physical articles or objects to constitute a machine or a manufacture within the meaning of 35 USC 101 and therefore non-statutory.

(II) Claims 24 and 44 are directed to an apparatus. Apparatus is neither defined by the specification and claims nor defined by the drawings. Though applicant claimed computer systems and data storage space, these are abstract and logical; one of ordinary skills in the art at the time of present invention will not consider applicant's claimed apparatus to be a physical device that constitutes a machine within the meaning of 101. It appears to be software per se; and therefore non-statutory (MPEP 2106.01 [R-5] (I)).

Regarding claims 25 – 43 and 45 - 48, these claims depend from claims 24 and 44 respectively, recite computing steps, are merely descriptive and lack the necessary physical articles or objects to constitute a machine or a manufacture within the meaning of 35 USC 101 and therefore non-statutory.

Allowable Subject Matter

6. Claims 1, 3 – 6, and 24 - 70 are indicated as allowable subject matter over the prior art of record.
7. The following is an examiner's statement of reasons for indicating allowable subject matter:

The prior arts of record, (USPN 6,853,994) discloses a methodology whereby a user can interact with a GUI to fully define the desired dimensions associated with the selected measures for the purposes of metric analysis but fail to anticipate or render obvious the recited feature “a plurality of data source query function calls, each query function call querying a single data source regarding a single data source specific dimension, and each query function call using the data access mechanism of the single data source to facilitate access to the single data source; and a complex query comprising a plurality of data source query function calls, the complex query querying the at least two data sources for data relating to the dimension instance, the complex query calling the plurality of data source query function calls to perform the querying of the at least two data sources for the data relating to the dimension instance, and wherein the data relating to the dimension instance is retrieved from each of the at least two data sources” and (USPN 6,643,639) discloses multi-dimensional data for expressing query and results that enables users to completely manage their search in a manner optimized for simplicity and clarity of logic but fail to anticipate or render obvious the recited feature “one or more display objects comprising a virtual folder, the virtual folders include numerical representations of the number of items that virtual folders

contain, and wherein the filtering of the items causes the numerical representations to be correspondingly reduced as recited in the independent claim 1 and similar limitation of independent claims 24, 44, 49 and 67.

Claims 1, 24, 44, 49, 67 and the dependent claims are indicated as allowable subject matter pending overcoming the deficiencies of the Drawings and rejections under 35 USC § 101.

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fred I. Ehichioya whose telephone number is 571-272-4034. The examiner can normally be reached on M - F 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John E. Breene can be reached on 571-272-4107. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Fred I. Ehichioya/

/S. A. A./
Primary Examiner, Art Unit 2162
March 26, 2008

/John Breene/

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